

CONSERVATORSHIP

1

Get a Permanent Appointment for a Minor

Part 1: Preparing the First Court Papers
(Forms Packet)

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SELF SERVICE CENTER

FOR APPOINTMENT OF A PERMANENT CONSERVATOR FOR A MINOR

PART 1: Preparing the First Court Papers (Forms Only)

How to assemble these documents

This packet contains court forms to prepare the first court papers for a permanent appointment of a conservator of a minor. Be sure the documents are in the following order:

| Order | File Number | Title | No. Pp. |
|-------|-------------|--|---------|
| 1 | PBCM1ft | Table of forms in this packet | 1 |
| 2 | PBCM1k | Checklist on Appointment of a Conservator | 1 |
| 3 | PB10f | <i>"Probate Cover Sheet"</i> | 2 |
| 4 | PB11f | <i>"Probate Info Sheet"</i> | 1 |
| 5 | PBCM12f | <i>"Petition for Permanent Appointment of a Conservator"</i> | 3 |
| 6 | PBGCM11f | <i>"Consent of Parent to Guardian and/or Conservator of a Minor Child and Waiver of Notice"</i> | 1 |
| 7 | PBGC11f | <i>"Affidavit of Person to be Appointed Guardian and/or Conservator"</i> | 3 |
| 8 | PBGCM13f | Instructions and <i>"Request for a Hearing Date for Permanent Appointment of Guardian and/or Conservator"</i> | 1 |

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Self-Service Center

APPOINTMENT OF CONSERVATOR FOR A MINOR CHECKLIST

Use the forms and instructions in this packet only if the following factors apply to your situation:

- ✓ You want to have the court appoint a conservator for a minor, and you know that you do not need the court to appoint a guardian for the minor.
AND
- ✓ The minor lives in Maricopa County. AND
- ✓ The parents have signed or will sign a ***“Voluntary Consent.”***

Information about when a Conservator is needed: A minor generally needs a conservator:

1. If the minor owns money or property in excess of \$5,000 that requires management or protection which cannot be otherwise provided;
2. The minor has business affairs/assets which may be jeopardized or prevented by his or her being a minor; and/or
3. The minor needs funds for his or her support and education and protection is necessary or desirable to obtain or provide the funds.

Information about when a Guardian is needed: A minor generally needs a guardian:

1. If the minor needs the care and supervision of an adult, which is not presently available.

READ ME: It is very important for you to know that when you sign a court document, you may be helping or hurting your court case. Before you sign any court document, or get involved with a court case, it is important that you see a lawyer to make sure you are doing the right thing. The Self-Service Center has a list of lawyers who can give you legal advice and can help you on a task-by-task basis for a fee. If you want to know more about our list of lawyers and our list of mediators, ask the Self-Service Center staff.

**SUPERIOR COURT OF ARIZONA
COUNTY OF MARICOPA**

PROBATE COVER SHEET

Case Number

Pursuant to Rule 3.1 (a) of the Superior Court Local Rules, Maricopa County, please provide the following information. (Type or Print)

DECEDENT'S OR WARD'S NAME

DECEDENT'S OR WARD'S ADDRESS

PETITIONER'S NAME

PETITIONER'S ADDRESS

PETITIONER'S ATTORNEY

REASON FEES NOT PAID:

☐ Government Charge

☐ Deferred

Name and State Bar Number

Check Superior Court Location Requested:

☐ Downtown Phoenix

☐ Southeast Regional (Mesa)

☐ Northwest Regional (Surprise)

NATURE OF ACTION

Place an "X" next to the number which describes the nature of the case. Please check only **ONE** nature of action.

200 ESTATE

____ 201 Formal Appointment of Personal Representative

____ 202 Informal Appointment of Personal Representative

____ 203 Ancillary Administration

____ 204 Affidavit of Succession to Realty

____ 205 Trust Administration

____ 206 Formal Probate of Will

____ 207 Informal Probate of Will

____ 208 Proof of Authority

____ 210 Other _____

Specify

____ 211 Single Transaction/Limited Conservatorship

____ 212 Foreign Domiciliary

220 CONSERVATOR

____ 221 Minor

____ 222 Adult Incapacitated Person

230 GUARDIANSHIP

____ 231 Minor

____ 232 Adult protected Person

____ 233 Adult Incapacitated Person (Mental Health Powers)

240 GUARDIANSHIP-CONSERVATOR COMBINATION

____ 241 Minor

____ 242 Adult Incapacitated Protected Person

____ 243 Adult Protected Person (Mental Health Powers)

PROBATE COVER SHEET - Continued

NAME(S) OF MINOR CHILD(REN):

BIRTH DATE(S) OF MINOR CHILD(REN):

To the best of my knowledge, all information is true and correct.

(If you need additional space, use the next page.)

NAME(S) OF ANY MINOR CHILD(REN):

Petitioner or Attorney Signature

BIRTH DATE(S) OF MINOR CHILD(REN):

NOTICE

Effective July 1, 1987 and pursuant to Superior Court (Maricopa County) Local Rule 3.1 (a), the Superior Court requests that a "Cover Sheet", which categorizes the cause of action, accompany any new action filed with the Superior Court in Maricopa County. For this reason, this form has been developed. The Cover Sheet will result in increased accuracy of court records and statistics, and in reduced processing time for new case filings.

Copies of this Cover Sheet will be made available at the Probate Registrar's Office for the Clerk of the Superior Court.

PLEASE DO NOT INCLUDE THIS FORM WITH CASES THAT HAVE ALREADY BEEN FILED. This form can only be processed **at the time of filing** New Complaints and Petitions.

Thank you for assisting us with our efforts to improve service.

Name of Person Filing Document: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self or ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of the Guardianship of: _____ Case Number PB: _____

A Minor/An Adult

Probate Information Sheet

**THIS FORM IS TO BE COMPLETED BY THE PETITIONER(S) AND RETURNED
TO THE CLERK AT THE TIME OF THE HEARING.**

| DESCRIPTION OF | PETITIONER | CO-PETITIONER |
|---|------------|---------------|
| Name | | |
| Address | | |
| City, State, Zip | | |
| Telephone Number | () | () |
| Date of Birth | | |
| Social Security Number | | |
| Passport Number | | |
| Ethnicity | | |
| Height | | |
| Weight | | |
| Color of Hair | | |
| Color of Eyes | | |
| Relationship to allegedly incapacitated person/person to be protected | | |

Private Fiduciary Certification or Licensing Number: _____

Date of birth of Minor(s) (if applicable): _____

Is the person you are seeking to assist a foreign national? _____ Yes _____ No

If yes, please specify country _____

Name of Person Filing Document: _____
Address: _____
City, State, Zip Code: _____
Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing: ☐ Self without a lawyer OR ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of the Conservatorship of:

Case Number PB: _____

**PETITION FOR PERMANENT
APPOINTMENT OF CONSERVATORSHIP
OF A MINOR**

a Minor.

REQUIRED INFORMATION FROM PETITIONER, UNDER OATH:

1. INFORMATION ABOUT ME. I am called the Petitioner:

Name: _____

Address: _____

Telephone: _____

Date of Birth: _____ Social Security Number: _____

My relationship to the person I say needs a conservator is: _____

2. INFORMATION ABOUT THE MINOR I SAY NEEDS A CONSERVATOR. The minor is called the proposed protected person for a conservatorship:

Name: _____

Address: _____

Telephone: _____

Date of Birth: _____

Social Security Number: _____

The minor is ☐ married or ☐ unmarried.

3. PERSON(S) ENTITLED TO NOTICE of the court matter under Arizona law, A.R.S. 14-5405 for conservators, and to whom I will give notice of this case: (See instructions)

| Name | Address | Relationship to Person Who I Say Needs a Conservator |
|----------|---------|--|
| A. _____ | | |
| B. _____ | | |
| C. _____ | | |
| D. _____ | | |

4. **ASSETS OF THE MINOR WHOM I SAY NEEDS A CONSERVATOR:** (check one box)
☐ The Minor has no substantial assets or income. No bond by Petitioner is required; OR
☐ The Minor has assets and/or annual income in the approximate amount of \$_____. Explain:

5. **PERSON TO BE APPOINTED CONSERVATOR** (Complete this only if the person is a different person than Petitioner):

Name: _____
 Address: _____
 Telephone: _____
 Date of Birth: _____
 Driver License Number: _____ Social Security Number: _____
 Relationship to the person I say needs a conservator: _____

6. **INFORMATION REGARDING GUARDIANSHIP/CONSERVATORSHIP.** To the best of my knowledge, (check one box):

- ☐ No Guardian or Conservator has been appointed by Will or by any court order, and no court proceedings are pending for such appointment; OR
☐ Someone has been appointed Guardian or Conservator or court proceedings are pending. Explain who, when, in what court, and if the appointee is guardian or conservator):

7. **REASONS FOR CONSERVATORSHIP:** The Minor needs a Conservator because:

- ☐ The Minor owns money or property that requires management or protection which cannot be otherwise provided.
☐ The Minor may have business affairs which may be jeopardized or prevented by his or her minority.
☐ The Minor needs funds for his or her support and education and protection is necessary or desirable to obtain or provide funds.

8. **REASON FOR REQUESTED PERSON TO BE APPOINTED CONSERVATOR:** Either I myself or the person requested to be appointed in Paragraph 5 has priority for appointment under Arizona Law, A.R.S. § 14-5410 because (check one or more that you think apply to the relationship to the minor):

- ☐ Proposed appointee is an individual nominated by the Minor who is fourteen (14) or more years of age and who has sufficient mental capacity to make an intelligent choice.

- ☐ Proposed appointee is the spouse of the Minor.
- ☐ Proposed appointee is a parent of the Minor.
- ☐ Proposed appointee is a person selected by the Will of a deceased parent.
- ☐ Proposed appointee is a relative of the Minor with whom the Minor has lived for more than (6) months prior to the filing of the Petition.
- ☐ Proposed appointee has been selected by the person who is caring for the Minor or paying benefits to the Minor.
- ☐ Written consent of the parent(s) to the conservatorship.

REQUIRED STATEMENTS TO THE COURT, UNDER OATH: (Note: you must check each box as true, and all these statements must be true, or you cannot file this Petition)

- 12. ☐ True. Venue (the court in which you are filing this Petition) is proper in this county because the Minor who is said to need a conservatorship lives in or is present in this county or the person to be protected has assets in this county.
- 13. ☐ True. The person who is requested to be the conservator has completed the required document called **Affidavit of Person to be Appointed as Conservator of a Minor** and is filing that Affidavit with this Petition as required by Arizona law, A.R.S. §14-5106.
- 14. ☐ True. I or the person I request to be appointed in Paragraph 5 is a suitable and proper person to act as conservator and is entitled to consideration for appointment under Arizona Law, A.R.S. § 14-5106, and/or 14-5410.

REQUESTS TO THE COURT FOR AN ORDER, UNDER OATH:

- 1. Schedule a hearing to determine if a Conservatorship is appropriate;
- 2. After Petitioner gives notice of the hearing to all interested persons and to those required by law, hold a hearing to determine if the Court should order a Conservatorship;
- 3. Appoint a Conservator of the proposed Minor according to the type of petition filed as checked in the Title of the Petition on the first page;
- 4. Make any other orders the Court decides are in the best interests of the proposed the Minor.

OATH AND VERIFICATION OF PETITIONER:

STATE OF ARIZONA)
County of Maricopa) ss.

I, the Petitioner, being duly sworn and under oath, state that I have read this Petition. All the statements in the Petition are true and correct and complete to the best of my knowledge and belief.

SIGNED: _____

Subscribed and sworn to before me this date _____ by _____
(Month/Day/Year)

My Commission Expires: _____ NOTARY PUBLIC: _____

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self ☐ Attorney for _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of (check one or both)

Case Number: PB _____

☐ The Guardianship ☐ Conservatorship of

CONSENT OF PARENT TO
☐ **GUARDIANSHIP and/or**
☐ **CONSERVATORSHIP**
OF A MINOR CHILD AND
WAIVER OF NOTICE

a Minor.

REQUIRED INFORMATION FROM PARENT, UNDER OATH:

1. INFORMATION ABOUT ME:

Name: _____

Address: _____

Telephone: _____

Date of Birth: _____

I am the natural ☐ MOTHER or ☐ FATHER of the minor child(ren) named above, who needs a guardian and/or conservator.

2. I have read the Petition for Permanent Appointment of a Guardian and/or Conservator for a Minor and consent to the appointment of (name) _____ to be the guardian of the minor child(ren).

3. I waive notice of all further proceedings in this matter.

OATH OF THE PARENT

STATE OF ARIZONA)
MARICOPA COUNTY)ss.

I have read, understood, and completed the above statements. Everything I have said is true and correct to the best of my knowledge, information and belief.

SIGNATURE: _____

SUBSCRIBED AND SWORN to me this date: _____ by _____
(Month/Day/Year)

My Commission Expires:

NOTARY PUBLIC: _____

Name of Person Filing Document: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____
Attorney Bar Number (if applicable): _____
Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for: _____

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

In the Matter of the
Guardianship and/or Conservatorship of

Case Number: PB _____

**AFFIDAVIT OF PERSON TO BE APPOINTED
GUARDIAN AND/OR CONSERVATOR**

_____ ☐ an Adult or ☐ a Minor

INSTRUCTIONS: The person who wants to be appointed the guardian and/or conservator must answer each statement as TRUE or FALSE. Each answer that is false must be explained in writing in an attachment to this affidavit.

STATEMENTS MADE UNDER OATH TO THE COURT: Arizona law A.R.S. §14-5106 requires the person seeking appointment to answer items 1-15. Additionally, the Superior Court in Maricopa County requires the person to complete the information requested in item 16. This document must be filed with the Petition for Appointment of Guardian and/or Conservator.

1. ☐ True or ☐ False. I have not been convicted of a felony in any jurisdiction.

2. ☐ True or ☐ False. I have not acted as a guardian or conservator for another person for at least three years before I filed this Petition.

3. ☐ True or ☐ False. I know and understand the powers and duties I would have as a guardian and/or conservator.

4. ☐ True or ☐ False. I have not had a power of attorney for anyone for at least three years before I filed this Petition.

5. ☐ True or ☐ False. I am not, to the best of my knowledge, listed in the Elder Abuse Registry at the Office of the Arizona Attorney General.

6. ☐ True or ☐ False. To the best of my knowledge, no business in which I have an interest is listed in the Elder Abuse Registry at the Office of the Arizona Attorney General.

7. ☐ True or ☐ False. Arizona law requires that a guardian/conservator file an annual report/accounting with the court. If I have been a guardian/conservator before, I either filed the required documents on time, or within 3 months of receiving a notice from the court that the report/accounting was due.

8. ☐ True or ☐ False. I have never been removed by the court as a guardian or conservator.

9. ☐ True or ☐ False. The nature of my relationship to the proposed ward or protected person is:

10. ☐ True or ☐ False. I met the proposed ward under the following circumstances: _____
11. ☐ True or ☐ False. I have never received anything of value greater than a total of one hundred dollars in any one year by gift, or will, or inheritance from an individual or the estate of an individual to whom I was not related by blood or marriage and for whom I served at any time as guardian, conservator, trustee, or attorney-in-fact.
12. ☐ True or ☐ False. No business in which I have an interest has ever received anything of value greater than a total of one hundred dollars in any one year by gift, or will, or inheritance from an individual or the estate of an individual to whom I am not related by blood or marriage and for whom I served at any time as guardian, conservator, trustee, or attorney-in-fact.
13. ☐ True or ☐ False. To the best of my knowledge, I am not named as a personal representative, trustee, beneficiary, or other type of beneficiary for any individual to whom I am not related by blood or marriage and for whom I have ever served as guardian, conservator, trustee, or attorney-in-fact.
14. ☐ True or ☐ False. To the best of my knowledge, no business in which I have an interest is named as a personal representative, trustee, beneficiary, or other type of beneficiary for any individual to whom I am not related by blood or marriage and for whom I have ever served as guardian, conservator, trustee, or attorney-in-fact.
15. ☐ True or ☐ False. I have no interest in any business that provides housing, health care, nursing care, residential care, assisted living, home health services, or comfort care services to any individual.
16. Additional identifying information about the person seeking this appointment:
- | | |
|------------------------------|-------------------------------|
| Gender: _____ | Height: _____ |
| Weight: _____ | Color of eyes: _____ |
| Color of Hair: _____ | Date of birth: _____ |
| Driver License Number: _____ | State issuing license: _____ |
| Expiration Date: _____ | Social Security Number: _____ |

OATH OF THE PERSON SEEKING TO BE APPOINTED AS GUARDIAN AND CONSERVATOR:

STATE OF ARIZONA)
MARICOPA COUNTY) ss.

I have read, understood, and completed the above statements and the attached document. Everything I have said is true and correct to the best of my knowledge, information, and belief.

SIGNATURE: _____

Subscribed and sworn to before me this date: _____ by _____

My Commission Expires: _____

Notary Public

| |
|---|
| EXPLANATIONS THAT MUST BE ADDED TO THE AFFIDAVIT OF PERSON WHO WANTS TO BE APPOINTED (Required by Arizona Law: A.R.S. § 14-5106) |
|---|

You must explain the following as an attachment to your Affidavit for any statement which you marked "F" (false). **FILE THE EXPLANATIONS WITH THE AFFIDAVIT, BUT DO NOT FILE THIS INSTRUCTION SHEET.** All the information in the explanations is also under oath to the court.

1. As to each felony for which you have been convicted, list:
 - a. The nature of the offense.
 - b. The name and address of the sentencing court.
 - c. The case number.
 - d. The date of conviction.
 - e. The terms of the sentence.
 - f. The name and telephone number of any current probation or parole officer.
 - g. The reasons why the conviction should not disqualify you from appointment.
2. If you have acted as guardian or conservator within three years before filing this petition, list:
 - a. The names of individuals for whom you are currently serving, and court case numbers.
 - b. The names of individuals for whom your appointment has been terminated within the three-year period, and the court case number.
3. If you do not have the required information, please explain how you intend to obtain this information.
4. State the total number of persons for whom you have done this. If you have acted under a power of attorney for the proposed ward/protected person, explain:
 - a. The date the power of attorney was signed.
 - b. The place where it was signed.
 - c. The actions you have taken pursuant to the power of attorney.
 - d. Whether the power of attorney is currently in effect.
5. State the reason for such listing.
6. List the name(s) of the business(s) and the reason for each such listing.
7. List the name and location of the court and the name and case number of the files in which you were delinquent in filing the required report.
8. List the name and location of the court, the name and case number of each file, and the circumstances of your removal.
9. State the number of occasions on which you received such gifts, list the gifts, the dates they were received, describe the gifts and list the value of each.
10. State the number of occasions on which the business received such gifts, list the gifts, the dates they were received, describe the gifts and list the value of each.
11. State the number of occasions on which you have been so named.
12. State the number of occasions on which the business was named.
13. List the name and address of each business and the extent and nature of your interest.

Name of Person Filing Paper: _____
Your Address: _____
Your City, State, Zip Code: _____
Your Telephone Number: _____

Case No. PB _____

INSTRUCTIONS AND REQUEST FOR A HEARING DATE GUARDIANSHIP/CONSERVATORSHIP OF A MINOR

1. **Court Location:** There are 3 locations of the Superior Court in Maricopa County: Downtown Phoenix, Southeast Court Facility (Mesa) and Northwest Court Facility (Surprise). The Southeast Court is only for persons who live in Mesa, Tempe, Gilbert and Apache Junction to the southern border of the Salt River, but not Scottsdale. You may file your papers at any Superior Court location, but your hearing will be held at the downtown Phoenix location. Each location also has Court Administration.

PHOENIX: Probate Court Administration (602) 506-3668
Old Courthouse, 1st Floor, 125 West Washington, Phoenix, AZ 85003-2205

MESA: Probate Court Administration (602) 506-2117
222 East Javelina Drive, 2nd Floor, Suite 2100, Mesa, AZ 85210-6201

SURPRISE: Northwest Court Facility (602) 372-9402
14264 West Tierra Buena Lane, Surprise, AZ 85374

2. **Court Documents:** After you file your forms with the Clerk's Office at the Court, take the following documents to Probate Court Administration at one of the addresses shown above:
- One copy of the **Petition for Permanent Appointment** stamped by the Clerk, AND
 - One copy off the **Affidavit of Person to be Appointed** stamped by the Clerk, AND
 - One copy of the **Consent of Parent to Guardianship/Conservatorship of a Minor** (if applicable), stamped by the Clerk, AND
 - The original of the **Request for Hearing**, AND
 - If required, a **Fingerprint Card** and a certified check or money order for \$24 made payable to Maricopa County Treasurer.

3. **Hearing Date and Time and Assignment of Judicial Officer:** Court Administration will set a hearing date and time and check the box of the judicial officer from the list below who will hear this matter.

HEARING DATE AND TIME: _____, at _____ a.m./ p.m.

HEARING ADDRESS:

☐ Judge Barbara Mundell
Old Courthouse
125 West Washington
Phoenix, AZ 85003-2205

☐ Commissioner Nancy K. Lewis
Old Courthouse
125 West Washington
Phoenix, AZ 85003-2205

☐ Commissioner Jane Bayham-Lesselyong
Old Courthouse
125 West Washington
Phoenix, AZ 85003-2205

☐ Commissioner Edward W. Bassett
Old Courthouse
125 West Washington
Phoenix, AZ 85003-2205

4. **Notice of Hearing.** Court Administration will return this form to you after setting the date, time and place of your hearing. **Use this form to complete the NOTICE OF HEARING form, if necessary.**